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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 09-00457 - RMW
14 Plaintiff,)
15 v.) STIPULATION AND
16 KYRA BRUBECK,) ORDER EXCLUDING TIME
17 Defendant,) SAN JOSE VENUE
18)
19 _____
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21 The parties in this case, through their respective counsel, hereby stipulate and agree that the
22 status conference set for August 17, 2009, be continued until September 28, 2009 at 9:00 a.m. in
23 order for counsel for defendant and the Government to conduct further investigation. In
24 addition, the parties stipulate that an exclusion of time under the Speedy Trial Act from August
25 17, 2009 until September 28, 2009, is appropriate based on the defendant's need for effective
26 preparation

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2 of counsel.

3 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

5 DATED: 8/12/09

/s/
THOMAS M. O'CONNELL
Assistant United States Attorney

7 DATED: 8/12/09

/s/
MICHAEL WHELAN
Counsel for BRUBECK

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12 Accordingly, for good cause shown, and by stipulation of the parties, the Court
13 HEREBY ORDERS that the status conference set for August 17, 2009, be continued until
14 September 28, 2009 at 9:00 a.m., and that time be excluded under the Speedy Trial Act from
15 August 17, 2009, until September 28, 2009. The Court finds, based on the aforementioned
16 reasons, that the ends of justice served by granting the requested continuance outweigh the
17 interest of the public and the defendant in a speedy trial. The failure to grant the requested
18 continuance would deny defense counsel reasonable time necessary for effective preparation,
19 taking into account the exercise of due diligence, and would result in a miscarriage of justice.
20 The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§
21 3161(h)(8)(A) and (B)(iv).

22 SO ORDERED.

23
24 DATED: 8/14/09


RONALD M. WHYTE
United States District Judge